

REMARKS

This Amendment is being filed in response to the Office Action mailed on February 16, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Office Action, claims 1-13 and 17-18 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement regarding an erase radiation beam that "consists of only three erase periods," as recited in independent claims 1 and 11. Applicant strongly disagrees and submits that that independent claims 1 and 11 as originally filed recite that the erase radiation beam "consists of three erase periods." The word 'only' was added for clarification since it is well known that "consist" excludes further recitations in a claim. Further, the word 'only' has been deleted by means of the present amendment. In addition, the specification has been amended to include the feature of original claims 1 and 11, thus no new matter is added. It is respectfully submitted claims 1-13 and 17-18

comply with the written description requirement and withdrawal of this rejection thereto is respectfully requested.

In the Office Action, claims 1-8, 11-14, 19 and 22 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Publication No. 2002/0003762 (Dekker). Further, claims 15-18, 20-21 and 23-32 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Dekker in view of JP 2000-123367 (Ichihara). In addition, claims 9-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Dekker in view of U.S. Patent No. 6,456,584 (Nagata). It is respectfully submitted that claims 1-32 are patentable over Dekker, Ichihara and Nagata for at least the following reasons.

On page 3 of the Office Action, it is stated that:

Dekker fails to explicitly disclose the number of pulsed in the erase patter and the relationship between the different power levels in an erase pattern, but discloses in ¶37 where, with respect to figure 3, it would be "be apparent to those skilled in the art that embodiments of a recording device according to the invention using more power levels can be realized by adding additional outputs to the current source 61 and by extending the switch-unit 62. Moreover, it will be apparent that a single output B of the current source 61 providing a varying current can, as an alternative, be replaced by several outputs each providing a different current while the setting

means 65 select the appropriate output for setting the bias power level P_b at any time." Therefore, one of ordinary skill in the art at the time of the invention was made would have been able to optimize the number of pulses and the level of each pulse through routine experimentation ... for the purpose of selecting an appropriate output erase power to prevent cross-erasure of data on adjacent tracks.

It is respectfully submitted that there are a large number of possible combinations of power levels and relationships, and that one skilled in the art could not arrive to the particular power levels and relationships recited in independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 without undue experimentation. In fact, many strategies disclosed in the prior art have resulted in poor overwrite performance. The present invention as recited in claims independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 provides substantial benefits and unexpected results such as reduction of the temperature of a transparent heat sink without compromising the overwrite performance.

It is respectfully submitted the Dekker does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 11, 14, 19, 22, 25, 27, 29 and 31, which, amongst other patentable elements, requires

(illustrative emphasis provided):

wherein said erase radiation beam has a first erase power level for a first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said first erase power level for a third erase period.

These features are nowhere taught or suggested in Dekker.

Rather, Dekker teaches in FIGs 1A-1C one erase power that is higher than or equal to another erase power. Further, one skilled in the art cannot arrive to the present invention as recited in independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 without undue experimentation. Ichihara and Nagata are cited to allegedly show other features and do not remedy the deficiencies in Dekker.

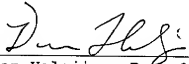
Accordingly, it is respectfully submitted that independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-10, 12-13, 15-18, 20-21, 23-24, 26, 28, 30 and 32 should also be allowed at least based on their dependence from independent claims 1, 11, 14, 19, 22, 25, 27, 29 and 31.

In addition, Applicant denies any statement, position or

averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
May 14, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101